

Balancing Rights and Responsibilities: The Public Attorney's Office (PAO) in the Philippine Legal System

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The Philippines is an archipelagic country in Southeast Asia. Consisting of three main island groups: Luzon, Visayas, and Mindanao, the country is characterized by its diverse population, growing economy, and intricate legal system.

According to the Philippine Information Agency (PIA), the official public information arm of the government of the Republic of the Philippines, the country boasts a population of **114,189,499** in 2022,¹ making it one of the most populous countries in the region. About **7,487** average daily live births were recorded last year.² On the one hand, the Philippines was able to harness demographics as an advantage to spur its economic growth. The country's Gross Domestic Product (GDP) posted a growth rate of **7.2 percent** in the fourth quarter of 2022, resulting in a **7.6 percent** full-year growth last year.³ On the other hand, despite its promising GDP growth rate during a post-pandemic period, poverty remained a pressing issue in

¹ Philippine Information Agency (PIA), *2022 Philippine Population*. Retrieved August 16, 2023 from PIA official website <https://pia.gov.ph/infographics/2023/03/03/2022-philippine-population>.

² Ibid.

³ Philippine Statistics Authority, *GDP Expands by 7.2 Percent in the Fourth Quarter of 2022, and by 7.6 Percent in Full-year 2022*. Retrieved August 16, 2023 from PSA official website <https://psa.gov.ph/content/gdp-expands-72-percent-fourth-quarter-2022-and-76-percent-full-year-2022>.

the Philippines. A total of **5,599,091** households were identified by the government as poor in 2022.⁴

The complex interplay of population dynamics, various socio-economic variables, and the COVID-19 pandemic challenges, among other things, influence access to justice and the provision of free legal aid for all citizens in the Philippines. For one, the country faced varying degrees of pandemic restrictions, from strict lockdowns to other localized measures. These restrictions were aimed at curbing the virus but had profound implications for individual rights. However, the Philippine government and stakeholders in the legal system took a holistic approach to enhancing the needs of the people, especially the vulnerable population, to ensure equitable access to justice.

The **Public Attorney's Office (PAO)** in the Philippines played a critical role in ensuring access to justice by providing free legal aid during the COVID-19 pandemic. The PAO is the principal law office of the government in extending free legal assistance to indigent persons in criminal, civil, labor, administrative, and other quasi-judicial cases.

The PAO was formerly known as the Citizen's Legal Assistance Office (CLAO). The CLAO had deep agricultural roots. Before CLAO, there was an office known as the Agricultural Tenancy Commission (ATC) which was later renamed as the Tenancy Mediation Commission (TMC). With the passage on August 8, 1963 of *Republic Act No. 3844*, otherwise known as the "*Agricultural Land Reform Code*," the TMC was further strengthened and renamed as the Office of the Agrarian Counsel (OTAC). In **1972**, the Citizen's Legal Assistance Office (CLAO) was created under Presidential Decree (P.D.) No. 1 and Letter of Implementation Order No. 4. With the advent of the *Administrative Code of 1987* (E.O. No. 292) on July 25, 1987, the CLAO was renamed the Public Attorney's Office (PAO). The state-

⁴ Department of Social Welfare and Development (DSWD), *DSWD opens Listahanan 3 poverty database for partnership*. Retrieved August 16, 2023 from DSWD official website <https://www.dswd.gov.ph/dswd-opens-listahanan-3-poverty-database-for-partnership/>.

funded legal aid body was later strengthened through legislation after Congress passed Republic Act No. 9406 or PAO Law on March 23, 2007.

As of June 2023, the PAO boasts a cadre of **2,505** dedicated lawyers who serve as the backbone of the agency in providing legal aid in the country. These Public Attorneys actively handle criminal, civil, labor, and administrative cases before the courts and quasi-judicial bodies nationwide. About **117** of them devote themselves to special and appealed cases filed before the Philippine Supreme Court, Court of Appeals, and the Office of the President. All in all, there are **3,537** employees, both lawyers and staff, of the PAO who are assigned to different regional and district offices across the country.

The current number of Public Attorneys in the Philippines is the result of a systematic and thorough evaluation process to ensure that only those who possess the qualifications, skills, experiences, and attributes that align with the agency's needs and culture will be hired. In fact, the PAO received around a thousand applications in 2022, but only **464** were approved, resulting in **440** applicants waiting for expected vacancies of PAO lawyer plantilla positions.

LEGAL AID AND THE CRISIS OF DEMOCRACY AND HUMAN RIGHTS

The COVID-19 pandemic had a significant impact on democracy, human rights, and the judicial system in the Philippines. Its effects have been far-reaching, which has prompted a re-evaluation of the balance between health and fundamental liberties.

When the Philippine government implemented lockdowns, community quarantines, and isolation measures during the pandemic, it did so to achieve a legitimate interest by curbing the spread of the deadly virus. Yet, the governmental acts regulated the freedom of movement of its own people, the right to assembly, and tested the limits of democratic norms.

An individual possesses freedom of movement, which is regarded as a fundamental human right. It involves the liberty of a person to travel, reside, and work within the borders of his/her own country and, in some cases, to move freely between countries. This freedom, however, is not absolute, albeit constitutionally guaranteed. Section 6, Article III of the 1987 Philippine Constitution states that *"the liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law."* This means that an individual's freedom of movement can be validly curtailed by the government, especially if such regulation is to protect the very existence of a nation. Such was the case when former Philippine President Rodrigo Roa Duterte issued Presidential Proclamation No. 922 on March 8, 2020, which placed the country under a state of public health emergency. After such proclamation, the government imposed health protocols and quarantine policies all throughout the country which, as a consequence, restricted the movement of Filipinos.

While many governmental acts implemented to control the impact of the deadly virus were viewed as valid and necessary in ensuring the welfare of its people, **some were viewed to have infringed individual rights.** A law was passed by Congress, Republic Act No. 11525, which established the vaccination program in the country with specific provisions safeguarding the rights and autonomy of every Filipino.

The past experiences of the PAO and the significant role it played in the controversy surrounding the **Dengvaxia vaccination program** of the government in 2016 proved to be valuable. The said vaccination program required the mass and indiscriminate vaccination of school children with Dengvaxia, a novel (the first of its kind) dengue vaccine manufactured by a multinational pharmaceutical company. The PAO filed cases and pursued legal actions against spearheader-government officials, pharmaceutical

companies, and healthcare providers who were allegedly involved in the improper administration and promotion of the Dengvaxia vaccine, which resulted in the deaths and/or injuries of the recipients thereof. As a consequence, the aforesaid **168** Dengvaxia deaths and **2** survivors had undergone a thorough forensic analysis and examination by the PAO Forensic Laboratory Division with the assistance of external pathologists from University of the East Ramon Magsaysay Memorial Medical Center (UERMMC) and Ospital ng Maynila Medical Center (OMMC). Corresponding criminal and civil cases were filed by the PAO pursuant to Department of Justice (DOJ) Order No. 792 dated December 12, 2017; and administrative/graft cases were filed by the National Bureau of Investigation (NBI) per DOJ Order No. 763 dated December 4, 2017 before the Office of the Ombudsman. The latter resolved to file cases before the Sandiganbayan or anti-graft court. All said cases are now still pending trial and judicial proceedings.

The PAO's role in the controversy, a pre-pandemic incident that somehow endangered human rights and is considered a class action, was primarily focused on representing the rights and interests of the affected families who requested for legal assistance. Specifically, the affected families sought the expertise of the PAO Forensic Team and external experts for forensic examination and analysis. Thereafter, civil cases for damages and criminal complaints for Reckless Imprudence Resulting in Homicide, violations of **Republic Act No. 9745** or the **Anti-Torture Law**; **Republic Act No. 7394** or the **Consumer Act of the Philippines**; **Republic Act No. 10918** or the **Philippine Pharmacy Act**; and **Presidential Decree No. 1829** or **Obstruction of Justice** were filed by the PAO at the proper courts against those persons who were responsible for the deaths and injuries of the inoculated victims.

Raising concerns about the apparent massive experimentation using a vaccine that is still under clinical trial without informed consent, the PAO's vigilant and prominent advocacy had wide-ranging implications for

public health policies, immunization programs, and pharmaceutical regulations in the country. Thus, **when the DOH required the mandatory vaccination of minors against the COVID-19 virus, the PAO, representing the parents of affected minors, intervened through the filing of an injunction suit in court. After the filing of the petition, the DOH correspondingly amended its interim guidelines on the administration of the vaccine to minors.**

Based on Philippine experience, the distressing reality of discrimination between vaccinated and unvaccinated individuals unfolded during the pandemic. Unvaccinated people bore the brunt and suffered the stigma with respect to access to transportation, basic public services, education, and employment, among other things, despite the non-mandatory provision enshrined in Section 12 of R.A. No. 11525 (xxx Provided, further, That the vaccine cards shall not be considered as an additional mandatory requirement for educational, employment and other similar government transaction purposes. xxx).⁵

The right to privacy was also at stake when the government undertook contact tracing activities to identify and isolate individuals who may have been exposed to the virus. Essentially, contact tracing involves the collection, processing, and sharing of personal data. During the pandemic, there were reports of data breaches and mishandling of personal data.⁶

The pandemic did not only affect the lives of ordinary Filipinos but also disrupted the judicial system and access to justice. Philippine courts were constrained to suspend the conduct of in-person proceedings, which caused delays in the

⁵ Cathrine Gonzales, *PAO chief appeals to LGUs: Don't discriminate the unvaccinated*. Retrieved August 18, 2023 from the Inquirer <https://newsinfo.inquirer.net/1540799/pao-chief-appeals-to-lgus-dont-discriminate-the-unvaccinated#ixzz8Ahz1vN6g>

⁶ National Privacy Commission (NPC), *Privacy Commission probing reports against establishments over mishandling of contact tracing data*. Retrieved August 17, 2023 from the NPS official website <https://privacy.gov.ph/privacy-commission-probing-reports-against-establishments-over-mishandling-of-contact-tracing-data/>.

disposition of cases. Amidst the challenges, the Supreme Court reported that it was able to resolve **825** cases, some of which were of national significance, since the start of the lockdown in March 2020. In order to minimize physical presence while ensuring continuity of court proceedings, courts transitioned to virtual hearings which allowed judges, counsels, and litigants to participate in hearings remotely. Through that, lower courts were able to conduct **67,481** hearings through videoconferencing platforms as of August 2020.⁷

Correctional and detention facilities also faced heightened challenges during the pandemic. Visitation restrictions worsened mental health issues among persons deprived of liberty (PDLs). This situation raised concerns about the protection of the human rights of those incarcerated.

Although the pandemic posed unprecedented challenges in almost all aspects of society, the Philippines still upheld the principles of democracy when it conducted the 2022 presidential elections. The pandemic failed to disrupt this vital democratic exercise. Based on available records obtained from the Commission on Elections (COMELEC), there were **55,290,821** registered voters who actually voted in the previous election, or **84.10%** voter turnout.⁸

As the vanguard of free legal aid in the country, the PAO demonstrated remarkable adaptability amidst the pandemic, particularly, in combating the delay in resolution of cases, especially those involving indigent clients. However, through the leadership and decisiveness of the management of the PAO, and cooperation of all its officials and employees, the PAO was able to navigate these challenges towards protecting the rights of marginalized populations. Hurdling the complexities in providing

⁷ Supreme Court of the Philippines, *The Philippine Judiciary Amidst the COVID-19 Pandemic*. Retrieved August 18, 2023 from the Supreme Court official website <https://caci-ajp.org/web/wp-content/uploads/2021/05/PR-The-Philippine-Judiciary-Amidst-the-COVID-19-Pandemic.pdf>.

⁸ Commission on Elections, *Number and Turn-Out of Registered Voters and Voters Who Actually Voted by City/Municipality*. Retrieved from the Comelec official website <https://comelec.gov.ph/?r=2022NLE/Statistics/2022RVVAVmccofinal>.

competent and quality legal aid during the height of the pandemic, the PAO was able to secure its first recertification for ISO 9001:2015 in 2021. Also in 2021, the European Union's Governance in Justice II Programme (GOJUST2) commissioned the Justice Needs Survey conducted by the Social Weather Stations (SWS). The survey tracks the justice-seeking behavior of those who have experience with justiciable issues. The SWS survey showed that PAO obtained the highest trust rating from all participants from across the three (3) main islands of the country. It affirmed that the **PAO is the most trusted among the twelve (12) justice institutions**. Moreover, the same survey revealed that **Public Attorneys obtained the highest net trust rating** among the seven (7) justice system professions alongside judges, government prosecutors, private lawyers, police, and others.⁹ This only showed that PAO had demonstrated a commitment to high standards and best practices, and dedication to quality and excellence even during the pandemic.

The PAO was also able to serve a significant number of clients as it transitioned its operations from the onset until the end of the pandemic. In fact, it was able to cater to **6,687,630** clients in 2020, **9,707,274** clients in 2021, and **11,729,353** clients in 2022. Last year, the overall favorable disposition rate for cases handled by PAO was registered at **82.69%**, which translates to **288,752** out of **349,185** terminated cases.

The success of the office is intrinsically tied to the well-being of its employees. The Chief Public Attorney understood this fundamental principle and prioritized the health and safety of its workforce. Robust health protocols in all offices were strictly implemented. The PAO also adopted remote work options and work-from-home arrangements that were consistent with the guidelines set by the Civil Service Commission (CSC). Meanwhile, support mechanisms were put in place to ensure that

⁹ The publication of the GOJUST II Access to Justice Philippines Final Report which was completed on July 25, 2022 can be viewed and retrieved from <https://www.gojust.org/publications>.

employees' morale remained high by continuously hiring, promoting, and training Public Attorneys and staff despite the pandemic. In 2021 alone, the PAO was able to recruit a total of **258** new personnel, promote **251** existing personnel, and send **2,519** personnel to attend online trainings/seminars. In 2022, the PAO was able to hold its 7th Mandatory Continuing Legal Education (MCLE)-Accredited National Convention of Public Attorneys which was the biggest convention ever organized by the office, with 2,400 Public Attorneys and legal luminaries in attendance.

With the world in constant change and disruption, the need for institutions to evolve and improve is a fundamental requirement for survival and success. The Chief Public Attorney saw the necessity of embracing change and innovation in order to thrive in the dynamic landscape of the modern era.

The clients who are poor and in need of legal aid are the lifeblood of PAO. To evolve and cater to more clients, the **2021 Revised PAO Operations Manual** was signed on December 14, 2021. The manual serves as a structured framework for the office as it outlines the processes, methods, and strategies used in the efficient and effective provision of legal aid. One of the features of the revised manual was to increase the net income threshold of the indigency test used to determine the clients of PAO. In particular, the following are considered indigents and can avail themselves of the free legal services of the office:

"ARTICLE 3. Indigency Test. – Taking into consideration recent surveys on the amount needed by an average Filipino family to (a) buy its "food consumption basket" and (b) pay for its household and personal expenses, the following shall be considered indigent persons:

- 1) If residing in cities or municipalities within the National Capital Region (NCR), persons whose individual net income does not exceed Twenty-four Thousand Pesos (P24,000.00) a month;*

- 2) *If residing in other cities outside the NCR, persons whose individual net income does not exceed Twenty-two Thousand Pesos (P22,000.00) a month; and,*
- 3) *If residing in municipalities outside the NCR, persons whose individual net income does not exceed Twenty Thousand Pesos (P20,000.00) a month."*

To ensure that only those qualified shall be extended free regular representation in court and quasi-judicial bodies, applicants only need to execute an Affidavit of Indigency, and submit any of the following documents as proof of indigency:

- 1) *Latest Income Tax Return or pay slip, or other proofs of net income; or,*
- 2) *Certificate of Indigency from the Department of Social Welfare and Development (DSWD), or the City/Municipal Social Welfare and Development Office having jurisdiction over the residence of the applicant; or,*
- 3) *Certificate of Indigency and/or No Income from the Office of the Punong Barangay/Barangay Chairperson having jurisdiction over the residence of the applicant.*

The pandemic also gave the PAO an opportunity to expand to new locations, allowing the office to tap into previously less explored client bases, thereby increasing the reach of its services and making PAO closer to the community. New district offices were created by the PAO, providing greater convenience to its clientele in rural communities.

The continuing response to the needs of its clients and the operational readiness of the PAO to deliver free legal assistance despite the global health emergency are dependent on a sustainable funding mechanism by the government through the country's legislature. The government provides allocations in the annual budget to ensure that legal aid services for the poor remain unhampered.

For fiscal year 2020, for example, the office received a budget of approximately **P4,203,056,000.00** as its share in the General Appropriations Act, which was passed by Congress. The allotment allowed the office to serve **6,687,630** clients and **752,196** cases in the Philippines, including **57,002** persons deprived of liberty who were released from detention. The figures show a promising accomplishment for the PAO considering that it was in that same year that the Philippines was affected by the pandemic.

Seeing the need to further strengthen legal assistance in 2021, the government granted a progressive allocation for the PAO in the national budget, which amounted to **P4,657,356,000.00**. There was a considerable augmentation of the budget, consistent with the trend of an increasing number of clients who benefit from the legal aid program of the government every year. In 2022, the PAO received a budget share of **P4,747,696,000.00**, allowing it to competently assist **11,729,353** Filipinos. Roughly, the government expense per PAO client is **P461.26** in 2022.

The budget allocation from the national government to finance the legal aid program of the country through PAO is of significant importance for several reasons. Adequate funding for its lawyers allow for competitive salaries, which helps attract and retain highly qualified legal professionals. A Public Attorney I (Salary Grade 25) which is the entry-level position for a legal aid lawyer of the government fairly receives a monthly compensation of **P102,690.00** and a Representation and Transportation Allowance (RATA) of **P10,000.00**. This is on top of other bonuses and allowances which he/she is entitled to receive under the law.

When the pandemic affected clients' access to legal aid, the Chief Public Attorney allocated from the PAO's savings an amount of **P500.00** for every Public Attorney representing monthly cellular phone or communication expenses. Open communication ensured that the clients of the PAO receive timely and accurate instant legal advice and information

about their cases. More importantly, the policy allowed for expressing empathy and compassion.

While disruptive and devastating, the COVID-19 pandemic has provided the PAO with valuable lessons and transformative experiences. The pandemic gauged how PAO made rapid responses to issues arising from the health emergency. The experiences improved the agency's crisis management skills, enabling its own people to respond effectively to future challenges such as natural disasters or public health emergencies.

It also allowed the PAO to leverage Information and Communication Technology (ICT) to preserve access to justice and maintain legal services for the poor. As courts embraced video conferencing in conducting hearings, Public Attorneys continued attending trials and providing legal assistance through the same platform, bridging the physical gap while ensuring that clients' rights were upheld. Upon the instruction of the Chief Public Attorney, Public Attorneys and personnel opened their communication lines 24/7 for clients to ensure uninterrupted provision of legal aid. Video calls, emails, and phone calls allowed indigent clients from far-flung areas and PDLs to stay in touch with their Public Attorneys, enabling full legal support and ensuring access to justice even in challenging circumstances. These changes are still being implemented post-pandemic as they are aligned with the agency's long-term strategic goals.

Because of the advantages that ICT brought in terms of operational efficiency for the PAO, the agency invested in customized information systems in order to streamline its various administrative processes. Some of these information systems include the following:

- a) **Human Resource Management Information System (HRMIS)**
 - a standard software package which has been specifically designed to automate and integrate identified functions of the Human Resource Section which include HR record maintenance, attendance and leave monitoring, and payroll processing.

- b) **Records Management** – a cutting-edge digital solution designed to streamline and enhance document organization, historical tracking, and reporting processes. With its specialized features and user-friendly interface, the system empowered the agency to efficiently manage their legal documentation, ensuring seamless operations and improved productivity.
- c) **PAO Website** – the official website of the agency gives information to the public regarding the PAO's mandates, policies, current issues, and how to avail of its free legal services. The website also guides users to the physical location and contact information of the PAO Central Office and its 17 regional offices nationwide.

The automation of routine tasks such as the monitoring of employees' attendance, document tracking, and data entry allows the lawyers and employees of the PAO to allocate more time to providing substantive assistance to clients which, after all, is the mandate of the office.

However, to effectively utilize the said systems, the PAO also needed to invest in equipment and tools necessary to maintain and use the information systems. To this end, the agency has developed a three-year Information System and Strategic Plan detailing its plans for the utilization and development of its software and hardware infrastructure. In 2020, the Office was able to acquire desktop computers, printers, UPS devices, and scanners worth **P22,034,051.00**. In 2021, the PAO was able to procure servers, network-attached storage (NAS), uninterruptable power supply (UPS), switches, routers, firewall appliances, access points, multi-function network printers, network operating system (NOS), database applications, office productivity applications, desktop computers, and biometric machines with facial recognition amounting to **P14,414,463.00**.

Currently, the agency has two dedicated personnel in the ICT Unit. They take charge of the maintenance and repair of the systems whenever

they are needed. However, with the goal in mind of utilizing ICT more in its operational activities, the management is trying to create additional positions for the development of essential customized internal systems (*like the Client Management Information System, Legal Management System, Asset Management, Knowledge Management Information System*) and the enhancement of network infrastructure, including data security and privacy, that will benefit the employees, including the clients.

Admittedly, one of the many challenges in completing digital transformation is the weak internet connection, experienced mostly by Filipinos who reside in remote areas. Ookla's Speedtest Global Index report showed that, albeit already improved from last year's report, the country's fixed broadband media speed is only up to 90.03 megabits per second (Mbps) and the Philippines ranks 40th among all countries in relation to internet speed and connectivity.¹⁰ Furthermore, the monthly subscription to more stable internet providers can be quite expensive for the average Filipino. This means that the indigent clients of the PAO certainly cannot afford to pay for broadband internet.

That is why the PAO has expanded its efforts to create an easily accessible channel by becoming more visible on almost all media platforms in the Philippines. During the pandemic with lockdowns, the PAO Management launched in July 2021, the Facebook live free legal aid program entitled as #PALA (Persida Acosta's Legal Advice) on a weekly basis. #PALA is a program livestreamed through Facebook, where the Chief Public Attorney herself and the PAO's social media team receive client inquiries sent through the comment section, personal message, or telephone call and give immediate legal advice to the person seeking assistance. On July 31, 2023, #PALA had its 2nd year anniversary as an online free legal information and dissemination program of PAO.

¹⁰ CNN Philippines, "Ookla: Faster internet recorded in February, PH ranking improved" Retrieved August 23, 2023 from the official CNN website <http://www.cnnphilippines.com/business/2023/4/3/ookla-fixed-broadband-february-philippines.html>

Recently, the #PALA program has even expanded its social media presence by creating YouTube, Twitter, Tiktok, and Instagram accounts to ensure that the client has several means by which he or she can reach the Chief Public Attorney who was constrained during the pandemic to use social media to promote efficient and accessible legal advice and representation. #PALA can be viewed live every Friday at 1:30 p.m. on the Chief Public Attorney's official Facebook page (with more than one million followers) and on her YouTube channel. In view of the success and wide dissemination of said program, the PAO decided to continue the same even when the alert levels were lifted nationwide.

Whenever circumstances allow, the Chief Public Attorney and authorized Public Attorneys also appear in media interviews as part of the PAO's legal information and dissemination program, thereby making the citizens better aware of their legal rights. This fosters a more informed, peaceful, and empowered society.

However, it is also important to discuss that the use of ICT in the delivery of legal services comes with its own set of difficulties or challenges. Digital literacy disparities among clients can hinder effective communication and understanding. Additionally, concerns related to data security and privacy must be addressed, particularly given the sensitive nature of legal matters. There is an apparent need to invest in robust cybersecurity measures to safeguard both client information and the office's own operations.

Despite these difficulties, the pursuit of effective performance in providing legal assistance to vulnerable sectors of society amidst the pandemic has never wavered. These sectors often include marginalized and disadvantaged individuals, such as the senior citizens, women, children, persons with disabilities, displaced workers, and other marginalized groups. The PAO has given special attention to four sectors considered to be some of the most vulnerable in the Philippines: (1) women and children who are

victims of abuse and violence; (2) persons with disabilities (PWDs); (3) children in conflict with the law (CICLs); and (4) persons deprived of liberty. This is also in consonance with international human rights conventions, of which the Philippines is a signatory.

As a signatory to the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice** (The Beijing Rules), the **United Nations Guidelines for the Prevention of Juvenile Delinquency** (The Riyadh Guidelines), the **United Nations Rules for the Protection of Juveniles Deprived of their Liberty** and most importantly, the **Convention on the Rights of the Child** (CRC), the Philippines guarantees the protection of the best interest of the child in accordance with the standards provided for by these international laws. The CRC is the most universally accepted human rights instrument, ratified by every country in the world, except two. It incorporates the full range of human rights - civil, political, economic, social, and cultural rights - of children into one single document. The CRC outlines in 41 articles the human rights to be respected and protected for every child under the age of eighteen years.¹¹

To give teeth to the Philippines' participation in this international convention, Congress passed Republic Act No. 9344 or the **Juvenile Justice Welfare Act** as amended by Republic Act No. 10630. Before R.A. No. 9344 was enacted, children at risk and CICLs were treated much like adult offenders. As such, child offenders were subjected to the same adversarial proceedings as their adult counterparts. As an offshoot of the **United Nations Convention on the Rights of the Child** (UNCRC), R.A. No. 9344 intends to deal with children in conflict with the law without necessarily resorting to judicial proceedings. Instead of punishing juvenile offenders and treating them as criminals, these child offenders will be

¹¹ Council of Europe, *Manual for Human Rights Education with Young People*. 2022. Retrieved August 23, 2023 at <https://www.coe.int/en/web/compass>.

provided by the State and the community with assistance to prevent them from committing future felonies.¹²

The PAO, for its part, dedicated a significant portion of its **2021 Revised PAO Operations Manual** to guiding Public Attorneys on how to assist, represent, and protect children in conflict with the law. This finds its legal basis in Section 22 of R.A. No. 9344 as amended by R.A. No. 10630, requiring Public Attorneys to render immediate legal assistance to CICLs where there is an immediate need of counsel. To be precise, pursuant to Article 1, Chapter IV of the **2021 Revised PAO Operations Manual**, Public Attorneys shall provide legal assistance to CICLs in the following instances:

1) When placed under detention or otherwise deprived of liberty, and is in immediate need of counsel;

2) When placed under custodial investigation without the assistance of counsel;

3) When the Public Attorney is designated as counsel de oficio for purposes of arraignment, pre-trial, or promulgation of decision, and suspension of sentence;

4) When a CICL who is above twelve (12) years of age up to fifteen (15) years of age and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery, with homicide or rape, destructive arson, rape, or carjacking where the driver or occupant is killed or raped or offenses under R.A. No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child under P.D. No. 603 (The Child and Youth Welfare Code), as amended, and shall be mandatorily placed in a special

¹² Sanchez, Jeza Mae Sarah C, *OVERVIEW OF PHILIPPINE JUVENILE JUSTICE AND WELFARE*. March 18, 2017.

facility within the youth care faculty or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC), pursuant to Sec. 20-A of R.A. No. 9344, as amended by R.A. No. 10630;

5) When a child who is above twelve (12) years of age up to fifteen (15) years of age and who commits an offense for the second time or oftener: Provided, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under P.D. No. 603, as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer: Provided, further, That, if the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, finally, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the Department of Social Welfare and Development (DSWD) or the Local Social Welfare and Development Office (LSWDO) pursuant to P.D. No. 603, as amended, pursuant to Sec. 20-B of R.A. No. 9344, as amended by R.A. No. 10630; and

6) Other cases of similar nature.

In 2022 alone, the office was able to assist **18,927** children in conflict with the law nationwide. The agency was able to handle a total of **19,267** cases involving CICLs. The assistance provided ranges from legal representation in criminal or civil cases in court and proceedings before any other tribunal or quasi-judicial agency to legal documentation or the execution of legal documents and affidavits, and the provision of adequate legal advice, including during investigations and inquest proceedings.

In addition to the foregoing, the Philippines is also a signatory to several international instruments for the protection of women and children. The most significant of these conventions is the **Convention on the Elimination of All Forms of Discrimination against Women** which was signed by members of the UN General Assembly on December 18, 1979 in New York City. The Convention was the culmination of more than thirty (30) years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and promote women's rights. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the central and most comprehensive document.¹³ Gender-based violence is explicitly included as a form of discrimination covered by CEDAW. More specifically, however, the Philippines was one of several countries that rallied behind the Declaration of Elimination of Violence Against Women.¹⁴

In the Philippines, Congress enacted several laws advancing the rights of women, but the most prominent piece of legislation protecting women against gender-based abuse and violence is **Republic Act No. 9262** or the **Anti-Violence against Women and their Children Act**. This law, particularly Sections 13 and 35(b), expressly state that where immediate preparation and filing of pleadings is necessary to avoid adverse effects on the victims, the PAO is mandated to assist them. The law even provided that non-indigent women and their children may seek PAO's assistance.

The PAO has, therefore, played a vital role in the protection of women and their children against violence and abuse. This holds true

¹³ United Nations Human Rights Office of the High Commissioner, *Convention on the Elimination of All Forms of Discrimination against Women*. New York, 18 December 1979.

¹⁴ United Nations Human Rights Office of the High Commissioner. *Declaration on the Elimination of Violence against Women* adopted on 20 December 1993 by General Assembly Resolution 48/104.

especially during the pandemic, when Women and Children Protection Units (WCPUs) of the Philippine National Police (PNP) observed an alarming rise in incidents of domestic violence, particularly during the early severe lockdowns.¹⁵ By the end of 2022, the PAO was able to assist **4,305** women who sought the help of the office for purposes of legal representation in court and even the filing of petitions for the issuance of temporary and permanent protection orders. A total of **4,884 cases** were handled by the office involving women and children who are victims of abuse.

The ability of the PAO to competently address the legal issues concerning the vulnerable sectors of society, such as women and their children, can be attributed to the fact that it was able to strengthen its collaborations with other government agencies, private institutions, and civil society organizations. Partnering with other institutions in the face of the public health crisis highlighted the value of shared resources and expertise which continue to enhance the PAO's capacity to provide holistic legal aid in the country.

To attend to the legal needs of persons with disabilities (PWDs), senior citizens, and seriously-ill clients, the PAO also launched in May 2021, a "home visit legal aid program" entitled "Personal Visit to Handicapped and Other Similarly Incapacitated Clients" where PAO lawyers were authorized to conduct services at the residences or hospitals where the said clients are housed.

To abort influx of numerous cases in court, the PAO intensified its "mediation and conciliation program" so that adverse parties who are involved in non-heinous crimes, civil actions, and labor disputes can arrive at a fair compromise to settle their disputes.

In 2022, the PAO signed a Memorandum of Agreement (MOA) with two important national government agency partners, *viz:* the Department

¹⁵ Visco, Rory, *The hidden pandemic of domestic violence, abuse vs women, children*. Business Mirror. December 1, 2021.

of Social Welfare and Development (DSWD) and the Office of the Vice President (OVP). The said MOA strengthened the referral system and provided free legal assistance to persons who visit the two offices to ask for help, which falls within the jurisdiction of the PAO. The MOA with the DSWD was signed on September 19, 2022, and covers the provision of legal assistance to women and their children who are victims of violence, as well as solo parents who wish to ask for legal support for themselves or their children. The MOA also provided for the assignment of an on-site duty Public Attorney to the DSWD Central Office.

Prior to the said partnerships, the PAO had already expanded its reach and resources by extending legal services to agricultural workers such as farmers and fishermen, indigent laborers, aliens and qualified refugees, asylum seekers and stateless persons, Overseas Filipino Workers (OFWs), and journalists, among others.

Whenever legal assistance is required, the PAO provides free legal assistance to clients, ensuring that they have access to counsel and representation in various legal proceedings. Public Attorneys offer legal advice and counselling to victims and accused alike, explaining their rights, the legal processes involved, and the options available to them. Relatedly, the PAO had adopted a specific measure to protect victims of crime. It installed a **Victims' Assistance Unit** in all of its district offices across the country to immediately address the needs of victims of mass disasters, natural calamities, torture, massacres, extrajudicial killings, and VAWC cases, cases involving CICLs and other similar cases of persons who have requested legal assistance from the PAO.

More than the figures, the PAO stands ready to build a stronger and more resilient institution; one that can better serve the Filipino people, especially during times of crisis. By learning from the challenges of the pandemic and adapting its practices accordingly, the PAO reaffirms its commitment to the pursuit of justice and the protection of the rights of all citizens.

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